

**DECISION NOTICE**  
**ROBB/LEDFORD WILDLIFE MANAGEMENT AREA GRAZING LEASE**  
**May 2014**

**Proposed Action Description**

**1. Type of proposed state action:**

Montana Fish, Wildlife and Parks (FWP) proposes to establish a new grazing lease on the Robb/Ledford Wildlife Management Area (WMA) with the Ledford Creek Grazing Association (Association) for a 6-year term from May 23, 2014 through October 15, 2019. The lease would allow the continuation of a rest-rotation grazing system on the WMA.

The proposed lease would encompass 17,302 FWP owned acres, 10,796 acres FWP leases from Montana Department of Natural Resources and Conservation (DNRC), 680 acres owned by the Bureau of Land Management (BLM) that are leased by the Association, and 3,600 acres owned by DNRC that are leased by the Association and incorporated into the Robb/Ledford Coordinated Grazing System (R/L System) through an exchange of use agreement. Total acres involved in the R/L System is 32,378.

**2. Agency authority for the proposed action:**

Montana Fish, Wildlife and Parks has the authority under Section 87-1-210 of Montana Code Annotated to protect, enhance, and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. Any consideration of continued livestock grazing would have to conform to objectives of maintaining or improving wildlife, wildlife habitat, and public access as outlined in the Robb/Ledford Management Plan (1999). The Fish and Game Commission must approve any grazing leases on Wildlife Management Areas owned by FWP.

**Final Environmental Assessment**

Based on Environmental Assessment (EA) findings and public comments regarding the riparian areas in the Rock/Swamp Creek Pasture and specifically along Rock and Swamp creeks, additional research into specific causes for suppressed riparian recovery and increased monitoring efforts within the pasture will be implemented. With that effort informed management recommendations can be made in the future including initiating discussions with domestic sheep producers to explore the influence of sheep trailing.

Efforts will be made to gather more detailed information on winter and spring elk use of the Robb/Ledford WMA and surrounding winter range areas. Appendix E was updated to include indirect administrative costs of preparing and presenting grazing EAs and decision notices. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

Based on our analysis of comments, I have decided the EA with the above modifications and additions be finalized and an amended Alternative B be adopted with these provisions.

**The grazing system would run from June 22 to October 15 with a maximum of 2,955 AUMs. Montana Fish, Wildlife and Parks would lease the grazing rights on its Deeded and leased lands to the Association at the DNRC lease rate. The Association would assume all fence and waterline maintenance and repair responsibilities.**

*General Terms of the Lease*

1. For partial payment of its McGuire lease, under an exchange of use agreement, the Association would fully incorporate grazing management of the McGuire parcel into the R/L System. Montana Fish, Wildlife and Parks would credit the Association 1/3 of the total McGuire Lease ( $\$27,045/3 = \$9,015$ ) annually for their willingness to rest the parcel once out of every three years.
  2. The Association would be allowed to graze a maximum of 2,955 AUMs or 1,118 cow/calf pairs and steers from June 22 until October 15 annually using the rest-rotation system described in the EA.
  3. Minerals, supplements, or any livestock attractant would be placed well outside of any riparian area to reduce livestock congregation on those critical and sensitive habitats.
  4. Vaccination of the Association's livestock per Montana law is required.
  5. The Association would follow the State of Montana's Brucellosis Action Plan.
  6. The Association's livestock must reside in the state for 30 days prior to being placed on the WMA to prevent establishment of noxious weeds.
  7. No more than two weeks of grazing would be allowed in the lower pastures during spring or fall treatments. More specifically in the spring, livestock would be required to move to the first high elevation pasture on or before July 6.
  8. The Association would be responsible for moving their cattle at the prescribed times regardless of tall larkspur conditions, and they would be entirely responsible for protecting their animals from larkspur poisoning.
  9. This would be a six-year lease. The lease term would coincide with the Association's remaining lease on the McGuire portion of the R/L System. Ending both lease terms at the same time would allow FWP and the Association the opportunity to assess the entire R/L System and make cooperative decisions on how to proceed beyond 2019.
  10. The new lease would be with individual members as represented by the Association.
- The Association would be responsible for maintaining and repairing all R/L System fencing. Montana Fish, Wildlife and Parks would provide all materials for maintenance and repairs.
    - The Association would be responsible for checking fences to ensure their ability to hold livestock and closing all gates prior to livestock turnout. The Association would be responsible for making any needed repairs. Repairs are defined as:

- A) Maintaining all interior and boundary fences associated with the R/L System in a manner that prevents the loss of livestock and trespass livestock from neighboring properties whether or not the pasture is currently in use by Association livestock.
  - B) Maintaining fence wires in good condition including keeping the wire stretched and taut so that they do not become wildlife entrapment hazards. Fence splices will be performed with twin strand barbless horse wire, barbed wire, or approved splice connectors. Soft wire (i.e., single strand number 9) will not be used for fence repair.
  - C) Raising and lowering any unused drop fences and gates. Gates in unused pastures are to be left open when pastures are not in use. Any drop fences are to be lowered no more than two weeks post livestock leaving the pasture. Any drop fences or gates are to be raised prior to livestock turnout.
  - D) Identifying and replacing broken t-posts, wood set posts, and braces in a manner that keeps the fences in good condition.
  - E) Keeping trees and debris removed from the fences and repairing any damage that results from trees or debris falling on the fence.
  - F) Repairing damages caused by negligence on the part of the lessee or their agent (i.e. a range rider). An example of this would be when the lessees do not lower an unused drop fence or open an unused gate at the end of the grazing season and, as a result, it is damaged by wildlife or sliding snow.
  - G) All fence repairs will be completed such that the resulting fence meets the wildlife friendly guidelines described by FWP guide titled, *A Landowners Guide to Wildlife Friendly fences: How to Build Fence with Wildlife in Mind: Second Edition Revised and Updated 2012*.
  - H) Under Alternative B, the WMA maintenance crew will be responsible for 1) Assuring that materials are provided to the Association to allow repairs to be made, 2) Assisting with relocation of fences (either permanent or temporary) to address functional problems with the grazing system, and 3) Assisting with fences that are too derelict to be maintained. An example of this would be for the WMA crew to help string electric fence along a section of Jack-leg fence that has fallen over from age, as a stop gap measure, until the derelict fence can be replaced by FWP.
  - I) Montana Fish, Wildlife and Parks staff will make any needed minor repairs (i.e., one broken wire) they identify while on site.
- The Association will be responsible for communicating with contractors overseeing the Kelly Spring Waterline to ensure that water tanks are turned on in pastures utilized by livestock and to ensure that all unused water tanks are turned off by October 15. The Association would be responsible for covering annual maintenance costs of the Kelly Spring Waterline.

A new lease may be considered by the Fish and Wildlife Commission prior to the 2020 grazing season. Consideration would be based in part on the LCGA's adherence to movement requirements as well as how livestock grazing management fits with current and future WMA management objectives.

### **Decision**

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.

### **Comment Period and Summary of Public Comment**

The comment period started March 19, 2014 and ended on April 25, 2014, a 38-day comment period. Seven written comments were received from 5 organizations and 2 individuals. One additional individual submitted a question requesting a clarification but did not provide comment.

In summary, 5 comments supported no alternative but recommended removing livestock from the Rock/Swamp Creek Pasture, 1 comment was supportive of choosing Alternative B, and 1 comment recommended choosing Alternative C. One comment that recommended removal of livestock from the Rock/Swamp Creek Pasture additionally suggested a three year lease with fundamental revisions away from the livestock centric focus beyond that.

Organizations commenting included the Ledford Creek Grazing Association, Gallatin Wildlife Association, Montana Wildlife Federation, Montana Chapter Backcountry Hunters and Anglers, and Wolves of the Rockies.

### **Comments and Responses**

1) General comments focusing on Riparian Health in the Rock/Swamp Creek Pasture and removal of livestock from this specific pasture.

**Response: The Robb/Ledford WMA, including all riparian areas, is in the process of recovering from historical intense livestock use and the absence of beaver. Specific riparian issues include absence of preferred woody vegetation, intensive browsing of preferred woody vegetation, stream channel incisement, stream channel erosion, human-caused alterations (non-native grasses and bare ground patches), livestock-caused alterations to vegetation and streambanks, and the presence of invasive plant species. Overall, riparian improvements have occurred since FWP assumed management with some areas responding more quickly than others. Rock and Swamp creeks have responded slower than all others and remain in the upper end of non-functional to the lower end of the functioning at risk health category. Riparian health assessments have attributed livestock as the primary cause for some**

forms of vegetation and streambank alteration. Additional factors contributing to suppressed riparian health include heavy browsing of preferred woody vegetation (unknown cause, it could be livestock, wild ungulates, or both), severe channel incisement and associated lower water tables, absence of beaver which, if restored, could resolve channel incisement and elevate water tables, presence of noxious weeds, and lack of preferred woody vegetation establishment. A contributing factor associated specifically with the Mera (Rock Creek) Reservoir was the presence of a walking trail surrounding the reservoir that was attributed to recreational fishing activities. Due to limited riparian health improvement along Rock and Swamp creeks, management changes may be warranted. However, FWP believes the first critical step to recommending such changes is to positively identify root causes so that informed decisions can be made. Removing livestock from these riparian areas would require constructing riparian enclosure fences, installing alternative water sources, or both. Such projects would be financially expensive and would add to the annual maintenance requirements of the WMA. Additional fences are less than ideal in terms of wild ungulate movement. Removing livestock use of the pasture would require complete removal of livestock from the WMA or re-designing the entire grazing system. Prior to making such recommendations, FWP will commit to riparian assessments, following NRCS protocol, over the next 3-6 years. This monitoring will include but may not be limited to riparian livestock enclosures, photo plots and increased upland vegetation monitoring transects. If the riparian areas have not responded positively, FWP is committed to recommending management actions, to include those mentioned above, to correct the situation. The 3-6 year monitoring period will, 1) allow time to detect responses, if any, to hard livestock/pasture move dates that were implemented beginning in 2010 (one year prior to the last riparian health assessment in the Rock/Swamp Creek pasture which occurred in 2011), and 2) positively identify causes of poor riparian health so that informed management decisions can be made. For example: removing livestock from the pasture will not resolve additional factors such as severe channel incisement and associated low water tables, beaver absences, or any woody vegetation browsing by wild ungulates. In comparison, after 38 years of livestock absence from the Blacktail WMA, a 2010 health assessment demonstrated that the East Fork of Blacktail Deer Creek remained in the upper end of the Functional at Risk Category. Detractors included presence of invasive plants, canopy cover invasive increaser plant species, browsing of preferred woody species, and decadence of preferred woody species (Thompson et al. 2011). Removal of livestock, especially without definitive biological cause, will undoubtedly generate social conflict with local and possibly regional livestock producers. Montana Fish, Wildlife and Parks would anticipate a reduction in hunter access to surrounding private lands as a result of livestock removal from the WMA.

2) “The plan recognizes that Rock Creek and Swamp Creek on the game range are damaged because of livestock grazing.”

**Response:** Please see response to comment 1.

3) “we do support some standards to maintain range, riparian area and stream health.”

**Response:** Montana Fish, Wildlife and Parks has identified and follows minimum grazing standards, as outlined in Montana Fish, Wildlife and Parks Minimum Standards For Grazing Livestock December 10, 2010, on all grazing projects on FWP lands. Those standards focus on implementing minimum rest periods to allow for residual vegetation for wildlife forage and cover and to allow plants an opportunity to rebuild reserves and root structure. Additionally, FWP monitors both upland and riparian health on the Robb/Ledford WMA and makes appropriate management changes resulting from those monitoring results. Specific past examples include construction of riparian enclosure fences to provide riparian area rest, development of alternative water sources to reduce livestock dependence on riparian areas, AUM reductions through time, decreased grazing season through time, and implementation of hard livestock move dates regardless of associated livestock risks.

4) “It appears by Montana Fish, Wildlife and Parks own assessment that changes are needed to health conditions to both streams.”

**Response:** Please see response to comment 1.

5) “This is bad for wildlife as well as population of westslope cutthroat trout.”

**Response:** Montana Fish, Wildlife and Parks agrees that healthy riparian areas are essential to wildlife diversity and population health. Because of this, FWP will explore the identified issue more closely.

6) “would like to see FWP change management along these creeks to move grazing away to give the land time to heal. That should last for the next six years to give sufficient time for the land condition to improve.”

**Response:** Please see the response to comment 1.

7) “In addition to providing habitat for wildlife, especially winter range, these lands help to keep large ungulates away from private lands. That means fewer problems with elk and deer causing fence damage and getting into haystacks. That also benefits our state’s important livestock industry.”

**Response:** Montana Fish, Wildlife and Parks agrees with this statement. Private lands issues do not occur while ungulates are on the WMA, and the acquisition of the Robb/Ledford and Blacktail WMAs has reduced private lands conflicts. However, wild ungulates are extremely mobile and utilize an area much larger than the WMA during the winter periods, especially when deep snow conditions are present on an annual basis. Neighboring landowner tolerance of such use has been considerable but is declining annually. Montana Fish, Wildlife and Parks’ working relationship with the livestock industry, including managed livestock use of the

**Robb/Ledford WMA, has played a critical role in maintaining tolerance of wintering ungulates on neighboring and area private lands.**

8) “By leasing grazing to the Ledford Creek Grazing Association, FWP is able to influence a greater area around the WMA that includes DNRC, BLM, and Forest Service lands for wildlife habitat”

**Response: Through the R/L System, FWP directly influences grazing management on 3,600 acres of DNRC and 680 acres of BLM that are within the boundaries of the Robb/Ledford WMA and leased by the Association. Montana Fish, Wildlife and Parks allows livestock grazing on WMA lands within the south pasture of the neighboring BLM allotment. This further disperses livestock use and reduces grazing intensity across that parcel. It also reduces the amount of fence present on the landscape. Additionally, through the R/L System FWP works cooperatively with the Association, BLM, and United States Forest Service (USFS) to more efficiently manage a larger landscape.**

9) “The four ranches that make up the Ledford Creek Grazing Association (LCGA) also provide a considerable amount of wildlife habitat on their private land. By FWP and LCGA working together, the wildlife are the beneficiaries.”

**Response: See Objective 4 on page 10 of the EA for a description of estimated wildlife use of the Associations deeded lands.**

10) “the ranches that make up the LCGA provide access for a good number of sportsmen throughout the year. The general public end up benefiting from this cooperation between public and private land owner.”

**Response: See Objective 7 on page 11 in the EA for a description of estimated hunter-days realized on the Association’s deeded lands.**

11) “LCGA supports the Environmental Assessment for FWP to establish a new grazing lease with LCGA but our preference would be to adopt Alternative B.”

**Response: This comment clarifies the Association’s preferred alternative. If approved, Alternative B would prove beneficial to FWP’s limited field staff and their ability to maintain Region 3’s expansive WMA holdings.**

12) “I am asking you to rest this area from livestock use for at least the 6-year term on the proposed livestock use lease (2014-2019). There is no need to build new fences, just close the entire existing Rock/Swamp Creek pasture to livestock impacts.”

**Response: Please refer to the response to comment 1.**

13) “Mera Reservoir provides good fishing opportunity for Westslope Cutthroat Trout-our native trout, and Montana’s family fish. Please help Montana Fish, Wildlife and Parks realize its stated obligations to protect native trout habitat.

**Response: Montana Fish, Wildlife and Parks appreciates the value of westslope cutthroat trout as a native species. In terms of Robb/Ledford, FWP has worked to address riparian habitat concerns in the past and will continue to do so into the future. Please reference the response to comment 3 for specific examples of past efforts to protect riparian areas and the stated good fishing opportunities that exist at the Mera Reservoir.**

14) “The livestock use at the reservoir is unacceptable and should be eliminated along with livestock access to the inlet spawning stream above the reservoir.”

**Response: Please see the response to comment 1.**

15) “It is contradictory that FWP puts considerable effort and funding into west slope cutthroat trout recovery projects yet facilitates treating upper Rock Creek as little more than a stock watering tank.”

**Response: Montana Fish, Wildlife and Parks has made management decisions in the past to protect and improve riparian habitats on the Robb/Ledford WMA and will continue to do so indefinitely. Please reference the response to comment 3 for specific past efforts on the Robb/Ledford WMA.**

16) “Pasture 3H, Swamp/Rock Creek should be redefined and the riparian areas, including the reservoir, removed from the grazing system and permanently retired.”

**Response: Please see the response to comment 1.**

17) “the potential for wildlife management, in particular big horn sheep has been undermined by a focus on intensive livestock production.”

**Response: Livestock use of the Robb/Ledford WMA is managed in a manner that allows for cooperation with area livestock producers and provides a diversity of wildlife species, including bighorn sheep, with critical resources during all seasons. A Memorandum of Understanding currently exists between FWP, the USFS and area domestic sheep producers that does not allow for the establishment of bighorn sheep west of the Ruby River which includes the Robb/Ledford WMA. This understanding was a stipulation to gain local acceptance of reintroducing bighorn sheep in to the Greenhorn Mountains. Beyond the boundaries of the WMA, members of the Association own 20,295 acres of deeded lands in southwest Montana which provides wildlife populations with native range habitats. Please see Objective 4 on page 10 of the EA.**

18) “With the growing concern for elk and other ungulate winter forage and habitat the Robb-Ledford is prime candidate for no domestic cattle completion for forage. With the removal of LCGA livestock there will be an almost immediate and noticeable increase of elk and other ungulate recruitment every spring.”

**Response: Livestock grazing on the Robb/Ledford WMA is managed in a manner that allows for cooperation with area livestock producers and provides a diversity of wildlife species with critical resources during all seasons including forage for wintering ungulates. Livestock use is set at a level that leaves a portion of forage for wildlife following use of pastures scheduled for grazing. Additionally, one-third of the WMA is rested from grazing annual leaving all available forage in those pastures for wildlife. Montana Fish, Wildlife and Parks would not anticipate a noticeable increase in ungulate recruitment if the current grazing management plan was abandoned. Winter and spring surveys from the past year demonstrated healthy recruitment rates for area elk (53 calves : 100 adult cows, LTA = 51), mule deer (55 fawns : 100 adults, LTA = 46), and moose (29 calves : 100 adults, LTA = 33) populations. Elk use of the neighboring Blacktail WMA has become less frequent over the past 10 years with elk selecting for neighboring ranchlands more frequently in spite of no livestock use of that WMA since 1972.**

19) “The LCGA has had ample and beyond reasonable amount of time to reduce their dependence on the Robb-Ledford. The LCGA’s failure to make the necessary arrangements to identify other sources of grazing for its livestock should not be shouldered by elk and other ungulates needing this valuable winter habitat.”

**Response: The Robb-Ledford WMA does provide valuable winter habitat for a diversity of ungulate species. Under certain conditions, especially during times of deep snow on the higher elevation areas of Robb/Ledford and ungrazed Blacktail WMAs, elk, mule deer, and antelope populations depend heavily on neighboring ranch and public lands at lower elevation. Additionally, members of the Association provide year around habitat for a variety of wildlife populations. Please see Objective 4 on page 10 of the EA.**

20) “We request that you intervene in approval of the grazing plan. We request that for the next 6 year period of the grazing plan, no grazing should be permitted in the pastures containing Swamp and Rock Creeks. Riparian and stream conditions can improve with complete rest, but future grazing in the near term will perpetuate these conditions unworthy of a Wildlife Management Area.”

**Response: Please see the response to comment 1.**

21) “I have one question regarding objective 5. Provide habitat for all wildlife using the WMA. It is not clear from the language on pg 11 whether the objective is to provide for all wildlife currently using the WMA, or all wildlife who historically used the WMA.”

**Response:** The objective is directed at providing habitat for all wildlife species currently occupying the WMA and surrounding landscapes which may change through time.

22) “Indeed, hundreds of thousands of sportsmen’s dollars has been spent managing cattle in this WMA (p.5), while important fisheries, upland gamebird and big game surveys are neglected or incomplete (pp.25,27,30). It is certainly worth questioning whether wildlife and wildlife habitat conservation are the “foremost concern” on this WMA.”

**Response:** Montana Fish, Wildlife and Parks has spent \$526,446 on grazing-related projects on the Robb/Ledford WMA since 2000. However, FWP has also collected \$440,020 in Robb/Ledford related grazing fees since 2000, bringing the net expense of livestock grazing to \$86,426 since 2000. See Appendix E from the EA. The objectives for the WMA are not focused on livestock grazing. However, based on problems that FWP has been faced with, it is understandable that some would feel that way. The obstacles FWP has faced included a decision by a former FWP Commission to more than double the stocking rate and then directing FWP to make the needed improvements to accommodate the higher stocking rate. Those improvements are now completed. Montana Fish, Wildlife and Parks has since lowered the stocking rate and addressed the tall larkspur issue by requiring livestock to be moved from the lower pastures on or before July 6 regardless of larkspur condition or livestock risk. Montana Fish, Wildlife and Parks will explore and address riparian concerns in the Rock/Swamp Creek Pasture and continue to complete game and nongame surveys on the Robb/Ledford and Blacktail WMAs as field staff time allows. The goal of the WMA remains to provide quality wildlife habitat for all species during all seasons while maintaining working relationships with area livestock producers.

23) “During this lease the Rock/Swamp Creek pasture should be protected from further livestock impacts due to the degraded native fisheries and riparian conditions described in the EA.

**Response:** Please see the response to comment 1.

24) “Under the current program, cattle grazing is either degrading these riparian habitats or, at least, is preventing or delaying their fully vegetative and hydrological recovery from degraded conditions that existed when FWP acquired the land. More rapid and full recovery should occur with less, or no, cattle grazing.”

**Response:** Livestock impacts are one of several factors that could be preventing or delaying certain riparian recovery. Please reference the response to comment 1 for other identified factors. A 2010 assessment of the East Fork of Blacktail Deer Creek demonstrated the riparian remained in a functioning at risk category after 38 years of livestock absence. Factors contributing to that rating included decadence of

**preferred woody species, presence of invasive plants, canopy of increaser plant species, and heaving browsing of preferred woody species.**

25) “Fisheries inventories have not been conducted on Crow’s Nest, Taylor, Swamp, or Indian creeks, thus their status are unknown. No [fisheries] surveys have been completed within Ledford, Robb, and Rock Creeks since the 1990s.”

**Response: We will communicate with the Fisheries Division about the possibility of completing the aforementioned base inventories and revisiting the areas surveyed during the 1990s.**

26) “The EA documents these degrading riparian and native fish habitats within the Rock/Swamp Creek pasture and thus warrant the closure of this pasture to future livestock use.”

**Response: Please see the response to comment 1.**

27) “We applaud the presence of beaver and consequent improvement of the vegetation and hydrology, especially in Ledford Creek, in spite of, and not because of, cattle use on the area. We suggest that, without cattle grazing, beaver expansion would be more rapid on Robb-Ledford.”

**Response: Montana Fish, Wildlife and Parks does not attribute beaver expansion to the presence of livestock on the WMA. Examples on the WMA have demonstrated that, with increased beaver activity, riparian areas can show rapid recovery in the presence of livestock suggesting that healthy riparian areas and livestock can coexist and that livestock presence is not the only factor influencing riparian health on the WMA.**

28) “A glaring exemption is Fleischer (2010),” “An especially pertinent recent exemption is Wagoner et al. (2013).”

**Response: We were unable to obtain a copy of Fleischer (2010) for review and consideration. Wagoner (2013) researched the forage quality and quantity relative to mule deer use in response to spring livestock grazing. No spring livestock grazing occurs on the Robb/Ledford WMA. Wagoner et al. (2013) measured less spring vegetation on spring-grazed plots during the same spring. This is of no surprise because 1) livestock use does remove vegetation and 2) no time was given for vegetation regrowth. Wagoner et al. (2013) measured less vegetation during the fall on plots that were grazed during the previous spring than on ungrazed plots. Given there was no temporal replication, these results only represent what occurred during that particular growing season. The results could have been significantly different under difference vegetative growth conditions. The research assumes all grazing treatments are equal and does not make comparisons such as comparing spring grass quality and quantity following a fall grazing treatment during the previous year to an ungrazed treatment which would more accurately reflect rest-**

rotation practices. Mackie et al (1998) (pp. 54-55) documented that grasses made up 22% of a mule deer's annual diet in Montana's mountain-foothill ecotype with peak use occurring from late March through April and, in some years, with autumn green-up during October and November. Under the current R/L System in which livestock use does not begin until June 22, livestock do not compete for grass species during their peak use by mule deer.

29) "The EA states (p.28) that "Grover and Thompson (1986) found that elk selected feeding sites that were grazed by cattle the previous growing season." It is not noted in the EA that Grover and Thompson measured elk use of feeding sites during some part of spring (April-May), not during winter: whereas objective 4 of the Robb-Ledford Management Plan is to provide winter forage for elk (p.5).

**Response:** Livestock use of the Robb/Ledford WMA is set at a level that leaves a portion of forage for wildlife following use of pastures scheduled for grazing. Additionally, one-third of the WMA is rested from grazing annually leaving all available forage in those pastures for wildlife. Through these measures, Objective 4 in the Robb/Ledford Management Plan is being met. In addition to winter use by elk, the Robb/Ledford WMA receives extensive elk use during the spring months of April and May making the benefits of fall grazing documented by Grover and Thompson (1986) very relevant. Having pastures that attract elk during this period provides timely relief to neighboring ranchlands because new vegetative growth which their livestock depend on is beginning to grow. Such a pattern of spring attraction will also prove beneficial towards efforts to keep elk and livestock separate during the spring risk period within the brucellosis Designated Surveillance Area.

30) "The EA admits that Shamhart et al. (2012) detected short-term negative effects of 3-year rest-rotation cattle grazing on Wall Creek WMA."

**Response:** The EA makes no such admission that we could find. We would need a page, paragraph, and sentence number to address this comment.

31) "Regarding long-term effects since implementing the grazing system, the proportion of the local elk herd using the WMA declined from 64% to 41% (Shamhart 2012, Fig. 3 and the associated text)."

**Response:** We could not find this result in Shamhart et al. (2012). From Shamhart et al. (2012);

*"The proportion of the elk herd occupying the grazing system has remained consistent during the 19 yr following implementation of the rest-rotation grazing system (Fig. 3). In the first year following implementation of the grazing system, an average of 55% (95% CI = 40%, 69%) of the total herd occupied the grazing system. In 2007, 19 yr after implementation of the grazing system, 49% (95% CI = 40%, 59%) of the total herd occupied the grazing system. During the study period, the number of elk in the Wall Creek herd increased from approximately 1,200 animals to 3,000 animals.*

*The number of elk using the grazing system increased from an average of 773 (95% CI 5673, 872) during 1988–1990 (the first 3 yr following implementation of the grazing system) to 1,243 (95% CI 51,092, 1,393) in 2005–2007. Overall, the number of elk utilizing the grazing system has increased proportional to increases in the Wall Creek elk herd size.”*

32) “The EA states that Shamhart et al. (2012) state their results “do not indicate that resting the entire grazing system would benefit elk. This is misleading in that their results do not indicate anything, positive or negative, about elk responses to an ungrazed Wall Creek.”

**Response:** Montana Fish, Wildlife and Parks agrees that the results of Shamhart et al. (2012) do not demonstrate whether livestock grazing is good or bad for wintering elk. However they do demonstrate that along with maintaining long-term working relationships with area livestock producers through managed grazing on the WMA, the local elk population increased by approximately 2.5 fold while the proportion of elk utilizing the WMA as a winter range remained stable. According to Alt et al. (1992), during the 21-year time period when the Wall Creek WMA was rested from livestock grazing, elk use of the area was limited and game damage complaints on adjacent lands increased suggesting that the grazing system either improved forage and attracted elk use, improved landowner tolerance of elk on their private lands, or both.

33) “The EA selects quotes out of context and without critical analysis of the presented data from this paper to justify cattle grazing as a benefit to elk.”

**Response:** The EA is not attempting to use the results of Shamhart et al. (2012) to demonstrate the benefits of cattle grazing to elk. The EA uses the results of the paper to demonstrate that the Wall Creek wintering elk herd has continued to grow and proportionally use the WMA as winter range during the 19-year period cattle use has been permitted on the same landscape under rest-rotation principles. The results of the paper demonstrates that livestock and healthy elk herds can coexist on common landscapes if managed properly which directly relates to Objective 3 in the Robb/Ledford WMA Management Plan.

34) Very little quantitative data on numbers of big game using Robb/Ledford is presented in the EA.

**Response:** Montana Fish, Wildlife and Parks agrees that very little quantitative data for WMA-specific big game surveys exist. The department’s survey priority, given limited field staff time and budgets, is to complete hunting district-wide surveys which are used to set hunting season harvest quotas. Specific elk data for the Wall Creek WMA were gathered by an employee assigned to complete such surveys. FWP will make greater efforts in the future to gather more WMA-specific big game data on the Robb/Ledford WMA.

35) “In contrast, detailed numbers of big game using the lessee’s private lands are provided (p.10). We are given to assume that big game on these private lands will be greatly reduced if access for cattle to Robb/Ledford were reduced or denied.

**Response:** The wildlife population information for the lessee’s private lands was provided by the lessees. Removal or reduction of livestock from the WMA could very well lead to reduced tolerance for wildlife on the lessee’s and other area producers’ private lands. It could also lead to reduced hunter access to such lands. This is a major component of the social benefit of building and maintaining working relationships, in the form of cooperative grazing agreements, with landowners and livestock producers.

36) “In Appendix G, EA provides numbers of big game counted in surveys of hunting units that surround Robb/Ledford. On these large areas, big game are influenced by regional variation in habitats, harvest quotas, and other factors. Some specific wildlife data/observation is provided for the WMA. Our interpretation of that limited data is that trends for elk and mule deer on the WMA have not been good.”

**Response:** Please see the response to comment 34 regarding WMA specific data. Montana Fish, Wildlife and Parks agrees that big game are influenced by regional variation in habitats, harvest quotas, and other factors. Without trend data, FWP has no interpretation of big game trends on the WMA. Most recent big game surveys, as outlined in Appendix G of the EA, of the nearest hunting districts demonstrated that the elk population was at the 15-year average, the mule deer population was at the 15-year average, the moose population was 32% above the 13-year average, and the antelope population was 30% above the 12-year average. Although these do not demonstrate big game use trends on the WMA, they do demonstrate that populations that depend on the WMA, at least seasonally, are doing well at a landscape level and that at a population/landscape scale, the current managed use of the Robb/Ledford WMA by livestock is not having any noticeable negative impacts to big game populations. Montana Fish, Wildlife and Parks will make efforts to gather more WMA-specific big game data on the WMA in the future.

37) “the EA notes during the last 10 years, wintering elk have tended to use nearby private lands and forage (p.26). It follows that the livestock grazing program on Robb/Ledford has not been effective in attracting wintering elk from these private lands. Further, nothing in the EA indicates that livestock grazing is providing additional or better quality forage for elk on Robb-Ledford.”

**Response:** Exact causes for increased elk use of neighboring lands are currently unknown. Hypothesis provided to FWP include; 1) elk are avoiding the Blacktail WMA because the forage has become decadent and undesirable in the absence of livestock use compared to forage found on neighboring lands that are grazed by livestock, 2) FWP is not grazing enough cattle on the Robb/Ledford to keep vegetation as desirable for elk as neighboring ranch lands, 3) wolves have driven

wintering elk into more open areas, 4) elk are utilizing lower elevations with less snow pack, and 5) extended hunting seasons drove wintering elk to these new areas and use of them has become a learned behavior. Opportunistic observations and reports during the winter of 2013-14 demonstrated that elk used the Robb/Ledford and Blacktail WMAs as well as neighboring ranch and federal lands off and on throughout the winter.

38) “FWP data indicates that mule deer number are trending down in HD 324, both in the winter and spring, (Appendix G) and only 15 mule deer were counted on the WMA during the 2013-14 survey (p. 26). That’s right only 15 mule deer were counted on the entire WMA last winter. This is excellent mule deer habitat. What’s up? We suggest a review of Wagoner et. al (2013).”

**Response:** Mule deer have trended down in HD 324. This has also occurred in HDs 320, 325, and 326. Short-term causes are suspected to include liberal antlerless harvest and robust mountain lion populations. Long-term causes are suspected to include reduced forage and browse as a result of conifer encroachment into important browse areas, resource competition from elk populations that have trended to an all time high, and robust white-tail populations along the valleys that were minimal to non-existent 50 years ago. Yes, 15 mule deer were observed on the WMA during the winter 2013-14 count. Mule deer observations at high elevations during that survey indicated that not all mule deer had arrived on the winter range prior to the survey. Additionally, many of the mule deer tend to winter north of the WMA in more suitable winter habitats that are at lower elevation. Please reference the response to comment 28 regarding Wagoner et al. (2013).

39) “The EA presumes that white-tailed deer numbers of the WMA will increase if riparian areas improve (p.26), however, riparian areas are being degraded, or improvement in their conditions is being forestalled by livestock grazing.”

**Response:** Overall, riparian areas on the Robb/Ledford WMA have shown substantial improvement since FWP assumed management (Paul Hansen pers. comm.). Although some riparian or portions of riparian areas have not reposed as hoped, the two that would be most likely to become colonized by white-tailed deer, Robb and Ledford Creeks, have shown improved health and have expanded in size since 2000. As this continues, FWP expects white-tailed deer to use these bottoms more frequently during the spring, summer, and autumn seasons.

40) “Only four moose were observed on Robb/Ledford by FWP during winter 2010-11 survey, the last year a survey was done. There is no mention of moose being observed during elk or deer surveys.”

**Response:** Yes, four moose were observed on the WMA during the 2010-11 survey. During a March 2014 survey, 6 moose were observed within the R/L System including one on the WMA and 5 on the McGuire parcel. These 6 moose represent 13% of all moose observed during the survey which covered the Ruby River

**Watershed Riparian areas upstream of Sheridan. The McGuire Parcel within the R/L System contains very valuable moose habitat adding to the value of working cooperatively with the Association. During the 2013-14 winter mule deer survey, three moose were observed and all three were utilizing the WMA. During the spring 2014 mule deer survey, 4 moose were observed and none were observed on the WMA. They were utilizing neighboring DNRC lands. It is possible that the moose from the three observations were re-observed individuals.**

41) “150 pronghorn were observed on the WMA, but there is no indication on whether this is an increase or decrease of pronghorn use of the WMA.”

**Response: Montana Fish, Wildlife and Parks does not have WMA-specific trend data for antelope. Please reference the response to comment 34. Generally speaking, the Robb/Ledford WMA is much smaller than the annual home ranges of all ungulate species present and described in the EA. Therefore, their occupancy and abundance on the WMA comes and goes annually and within years based on a variety of factors.**

42) Comment regarding the Greenhorn Big Horn Sheep Memorandum of Understanding.

**Response: The Greenhorn Big Horn Sheep Memorandum of Understanding falls outside the scope of this EA.**

43) Has FWP been out monitoring the large carnivores on the WMA?

**Response: Beyond opportunistic observations and reports, no.**

44) “One wolf pack was completely lethally removed from the area in 2009, after incremental removals of individuals failed to stop the depredation (p.27). This pack was removed because of conflicts with livestock. Was this the work of Wildlife Services, FWP, or someone else?”

**Response: An MOU between USDA Wildlife Services (WS) and FWP gives WS the authority to lethally remove wolves. Lethal control of wolves is authorized only after confirmed depredation involving wolves, as determined by WS.**

45) “While the EA notes that livestock depredation on this landscape is to be expected, the result, as was the apparent case here, is that native wildlife not the livestock get “removed”.”

**Response: Removal of wolves resulting from livestock depredations are handled under a 2014 MOU between WS and FWP. Lethal wolf control actions are based on the USFWS-approved Montana state wolf plan.**

46) “The EA claims additional protection considerations will be provided to the grizzly bear without specifically revealing what those additional protection consideration are on the WMA or the surrounding area.”

**Response: Those protections include all associated with a threatened status under the Federal Endangered Species Act. Montana Fish, Wildlife and Parks does not have management authority of grizzly bears.**

47) “The EA implies the presence of livestock on this WMA doesn’t really matter to these large carnivores because of their large home range sizes, abilities, and propensities to move long distances. The lethally removed wolf pack would disagree. We as well disagree, and the EA provides no data to support the statement that livestock on the WMA will not greatly increase or decrease depredation losses. Since livestock presence off the WMA can adversely impact wildlife why wouldn’t livestock presence using the WMA impact wildlife?”

**Response: The EA states that, to date, no livestock depredations have occurred on the WMA. Therefore, no large carnivore removals resulting from livestock depredation have occurred as a result of livestock presence on the WMA. The EA suggest that because of large carnivores’ large home range sizes, abilities, and propensities to move long distances across a livestock dominated landscape, livestock depredations are likely to occur regardless of livestock presence or absence on the WMA. Removing livestock from the WMA will not remove large carnivore/livestock conflicts from the area.**

48) “Considering the ecology and behavior of big game, we believe that big-game numbers and their use of the WMA would increase with much less or no livestock presence/forage use.”

**Response: Montana Fish, Wildlife and Parks has no information to support this belief. Limited but continued comparison of wildlife species distribution and abundance between the grazed Robb/Ledford and ungrazed Blacktail WMA demonstrate negligible differences. Additional survey efforts comparing the two will provide needed information.**

49) “No sage-grouse leks have been documented on the WMA, but has FWP even looked?”

**Response: Beyond opportunistic observations and reports, no structured surveys have been completed for sage-grouse leks on the WMA.**

50) “Do sage-grouse use the WMA during the spring, summer or Fall?”

**Response: Yes, sage grouse use the WMA off and on during all seasons.**

51) This WMA has some excellent sage-grouse habitat however I have never see a sage-grouse on the WMA. What's up?

**Response: Reports of sage grouse observations on the WMA are not uncommon. Like all wildlife, observing a sage-grouse on the WMA could be the product of overall time spent on the WMA, season spent on the WMA, annual conditions while on the WMA, type of travel while on the WMA, habitat types explored on the WMA, or time of day spent on the WMA.**

52) "Waterfowl numbers are expected to increase if beaver activity expands. However, beaver expansion is likely limited and/or forestalled by effects of livestock grazing on woody riparian vegetation."

**Response: Please see the response to comment 39.**

53) "Numbers and diversity of small mammals (mostly mice and voles) on Robb-Ledford are comparable to those on the adjacent, ungrazed Blacktail WMA (p.27). This is evidence that, for small mammals, livestock grazing is not better or worse, than an ungrazed condition."

**Response: Montana Fish, Wildlife and Parks agrees with the above statement.**

54) "The EA states that "in general, rangeland and riparian health has improved" under the cattle grazing system (p.6). This is a comparison of recent conditions on the WMA vs. conditions generated before FWP acquired the land (There were 4.8 times as many AUMs of forage removed annually from the area prior to 1988, p. 3). There is no comparison of conditions under R/L rest-rotation cattle grazing vs. what conditions or trend might be with much less, or no cattle grazing.

**Response: Montana Fish, Wildlife and Parks agrees with the above statements. Regardless of the comparison, the fact still remains that since FWP assumed management of the WMA both upland and riparian conditions (wildlife habitats) have improved. There is more residual vegetation left for wildlife forage and cover. There is more woody browse present in riparian areas providing browse and cover for wildlife. Beaver presence has returned to portions of the WMA and is expanding, returning natural ecological function to the riparian areas. Sagebrush stands are beginning to show signs of recovery. In spite of an intense history of livestock use and continued managed livestock use, Rock Creek remains one of few streams in the area/region where westslope cutthroat trout self sustain. These benefits to date have all been achieved while building and maintaining strong working relationships with area landowners and livestock producers further expanding wildlife and sportsmen benefits onto lands they own and manage. Given the continued concern identified, both in this EA and by the recreating public, FWP is by no means completely satisfied with the condition of the Robb/Ledford WMA and will continue to strive to improve the health of the habitats and the benefit to all wildlife species. Montana Fish, Wildlife and Parks is currently planning the**

**implementation of upland vegetation monitoring sites on the neighboring ungrazed Blacktail WMA. This data will provide a more in depth comparison between the two areas and associated management practices.**

55) “The EA states the DNRC lands would likely have “continued grazing” that would substantially reduce wildlife forage and cover (p.30).”

**Response: Removing the Association’s cattle from the larger area would increase their annual dependence on this specific parcel. The incentive of cooperatively grazing FWP’s lands, to rest the parcel one out over every three years and during the growing season two out of every three years, would be lost.**

56) “What about the adjacent Forest Service and BLM national public lands? As we understand it, they are used every year under the existing livestock management systems? The EA reveals no benefit to fish and wildlife from this current livestock use.”

**Response: Beyond cooperative working relationships, the R/L System does not directly impact livestock use of the USFS allotment. It is used annually under a three pasture rest-rotation grazing system. The BLM allotment is divided into two pastures with livestock use occurring in one every other year. One pasture in the BLM allotment includes some FWP deeded lands. Removing these from the grazing system would required additional fencing on the landscape and would increase the grazing intensity within the BLM lands.**

57) “Would these national public lands be used by livestock if the FWP did not allow livestock use of the WMA?”

**Response: Until the end of the existing grazing lease, yes. Livestock use would continue on the federal allotments. At the end of the lease, the federal agencies responsible for managing the allotments would assess the grazing programs and consider a new lease.**

58) “These isolated public lands might actually be retired from livestock use, because they are hard to get to.”

**Response: This is currently unknown and one could only speculate. MCA 87-1-303(3), regarding domestic sheep trailing across the WMA, sets precedent to the contrary.**

59) “Any benefit of expanded FWP management authority for allowing cattle grazing on the WMA is limited to the McGuire DNRC inholding. To assert some benefit to the surrounding USFS and BLM public lands is highly questionable.”

**Response: In addition to the McGuire DNRC inholding, FWP’s grazing activities impact 680 acres of BLM land that are part of the R/L System and allowing livestock use of FWP lands within the south pasture of the BLM allotment more**

widely distributes grazing pressure reducing grazing intensity across the federal lands. This coordination also reduces the amount of fence present across that particular landscape. Montana Fish, Wildlife and Parks does not assert that the R/L System has any direct benefit to the north pasture of the BLM allotment or the USFS allotment. The benefit in these respects is limited to cooperatively working with the Association, BLM, and USFS to most efficiently manage a common landscape.

60) “In the uplands, Robb-Ledford may have healthy rangeland, based largely on standards developed for production livestock operations.”

**Response: Montana Fish, Wildlife and Parks upland monitoring efforts are not based at all on standards developed for production livestock. They are based purely on vegetative and soil conditions present.**

*“The aim of vegetation monitoring is to furnish objective information and data on changes in vegetation and soil surface characteristics to (1) the WMA manager and area biologist, other Department personnel and (2) other State and, (3) Federal agencies as needed. The objective of vegetation monitoring is to quantify changes in rangeland vegetation and soil surface characteristics and to interpret these changes in terms of causal associations and implications for future management.” ~From MFWP Plant Ecologist, Bob Harrington’s, upland monitoring methods.*

**Upland health assessments completed by Ecological Solutions Group LLC;**

*“evaluate the ability of a site to perform natural functions (such as primary production, maintenance of natural biotic diversity, provision of wildlife habitat, retention of water incident to the site, the development and maintenance of the soil resource).”*

61) Wildlife “exist” on the WMA, but not at levels which would be more appropriate for a wildlife area purchased with sportsperson’s dollars.

**Response: Wildlife diversity and abundance on the Robb/Ledford WMA varies seasonally, annually, and climatically.**

62) “Likely, the need to demonstrate rest-rotation grazing to private landowners was much greater in 1991 when the R/L cattle grazing program began. Today, landowners have abundant access to state and federal information on sustainable grazing programs.”

**Response: In spite of increased access to information, FWP believes there is no substitute for demonstrating the diverse benefits of rest-rotation grazing, in terms of balancing livestock and wildlife use, than with on the ground examples. Increased access to information has not reduced the importance of demonstrating that healthy wildlife populations and livestock production can occur across common landscapes. The need to build and maintain working relationships with private landowner and livestock producers is as critical today as ever.**

63) “In return for grazing privileges, lessees will most likely maintain current amounts of habitat for big game and other wildlife, and public hunting, on their private lands and will not develop “native range” (p. 33). Without grazing privileges on the WMA, lessees would likely intensify cattle grazing on their lands. Open spaces may become in jeopardy (presumably by development) and tolerance for wildlife may erode on lessees’ lands. Regionally, FWP’s standing and working relationships with landowners could be threatened (p 34). However, the EA fails to note that none of the permittee’s private lands are adjacent to the WMA or included in the system. Apparently, the grazing contract between FWP and lessees does not require any of these cooperations or good will from the lessees. Motives of private landowners, or anyone else, are a mix of personal goals and ethical recognitions of public needs and benefits. These motives vary greatly among landowners and can change as family needs and opportunities change.”

“These questionable benefits of the R/L grazing system are based on assumptions that landowner good will must be bought and that landowner ethics are minimal. We do not agree with these assumptions as a generalization.”

**Response: Please see response to comment #7.**

64) “Please work with the sheep herder and consider re-routing the trail these domestic sheep use when entering the WMA ¼ mile to the east to the 2 track road that runs along the Spring Brook/Rock Creek divide beginning in section 27, T10S, R5W.”

**These discussions have already begun. The domestic sheep producers have expressed a willingness to work collaboratively with FWP and the Association to identify causes of specific issues and develop mutually beneficial solutions.**

65) “Under Alternative B, the annual net loss, compared to alternative A, of public net income would be at least \$9,295, or \$55,770 over 6 years.”

**Response: Montana Fish, Wildlife and Parks agrees that Alternative B would generate more income for the department. However, FWP does not have the maintenance staff available to complete all maintenance requirements across all of the department’s holdings. Because of this, FWP finds it to be mutually beneficial when lessees are willing to assume general maintenance responsibilities.**

66) “Over at least 26 years, FWP has invested hundreds of thousands of dollars in cattle grazing on the WMA (based in part on our interpretation of Appendix E) – more than for any other program. Clearly, cows have been the most important species on the WMA.”

**Response: Revised Appendix E shows that FWP has allocated a net total of \$86,426 dollars toward livestock-specific efforts on the Robb/Ledford WMA since 2000. Managed grazing on the WMA has come at a cost but FWP believes that it is still the best practice to meet the objectives in the 1999 WMA management plan (see page 5 of the EA).**

67) “We believe the EA fails to include (1) indirect administrative costs, especially for travel to meetings (p.17) and probably other travel, (2) costs for printing and disseminating the EA, (3) costs for developing, printing and disseminating a decision notice. For purposes of Appendix J, these costs should be amortized over the 6-year period of the lease. We also believe that costs of fencing materials are not included in the EA cost analysis; nor are costs of vegetation surveys (p.22), or riparian vegetation surveys before 2010 (pp. 7-9) included.”

**Response: The EA fails to summarize indirect administrative costs for developing, printing, and disseminating the current and past EA and decisions notices. Montana Fish, Wildlife and Parks apologizes for this omission and has revised Appendix E to reflect these livestock-specific management costs.**

**The costs to travel to meetings was not included because meetings and associated costs will occur regardless of livestock presence on the WMA. Currently, meetings often focus on livestock management. However, if livestock were to be removed, similar meetings at similar frequencies would occur with different interest and would focus on the issues regarding lack of livestock presence of the WMA.**

**The costs of past fencing materials are included in Appendix E within fencing related investments.**

**All cost from vegetation and riparian surveys completed from 2000 through today are included in Appendix E. Vegetation survey costs are not considered livestock-specific costs because similar efforts are completed on WMAs where no livestock grazing occurs. Those include the Aunt Molley, Big Lake, Blacktail, Dome Mountain, Bear Creek, Sun River, Silver Run, and Yellowstone WMAs. Montana Fish, Wildlife and Parks would continue to monitor vegetative conditions on the Robb/Ledford WMA in the absence of livestock use.**

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